



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Marvin Hernandez

Defendant.

09-2278-M

ORDER OF DETENTION
AFTER HEARING
(18 U.S.C. § 3142(i))

I.

- A. ☐ On motion of the Government involving an alleged
1. ☐ crime of violence;
 2. ☐ offense with maximum sentence of life imprisonment or death;
 3. ☐ narcotics or controlled substance offense with maximum sentence of ten or more years (21 U.S.C. §§ 801, 951, et. seq., 955a);
 4. ☐ felony - defendant convicted of two or more prior offenses described above.
- B. On motion ☒ (by the Government)/ ☐ (by the Court sua sponte involving)
1. ☒ serious risk defendant will flee;
 2. ☐ serious risk defendant will

- 1 a. () obstruct or attempt to obstruct justice;
2 b. () threaten, injure, or intimidate a prospective witness or juror
3 or attempt to do so.

4 II.

5 The Court finds no condition or combination of conditions will reasonable
6 assure:

- 7 A. ☒ appearance of defendant as required; and/or
8 B. ☒ safety of any person or the community;

9 III.

10 The Court has considered:

- 11 A. ☒ the nature and circumstances of the offense;
12 B. ☒ the weight of evidence against the defendant;
13 C. ☒ the history and characteristics of the defendant;
14 D. () the nature and seriousness of the danger to any person or to the
15 community.

16 IV.

17 The Court concludes:

- 18 A. ☒ Defendant poses a risk to the safety of other persons or the community

19 because:

20 *Pris & community record*
21 *1 witness and safety*
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- 26 B. ☒ History and characteristics indicate a serious risk that defendant will flee

27 because: *see PSB report*
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3 C. () A serious risk exists that defendant will:

4 1. () obstruct or attempt to obstruct justice;

5 2. () threaten, injure or intimidate a witness/ juror; because:
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9 D. () Defendant has not rebutted by sufficient evidence to the contrary
10 the presumption provided in 18 U.S.C. § 3142 (e).

11 IT IS ORDERED that defendant be detained prior to trial.

12 IT IS FURTHER ORDERED that defendant be confined as far as practicable
13 in a corrections facility separate from persons awaiting or serving sentences or person
14 held pending appeal.

15 IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity
16 for private consultation with his counsel.

17 DATED: 10/8/09

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21 U.S. MAGISTRATE JUDGE / DISTRICT JUDGE
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